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EXAMINER

GENACK, MATTHEW W

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,368

Applicant(s)

DUNN ET AL.

Examiner

Matthew W. Genack

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4 March 2002</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "82" of Fig. 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the Claims to be preserved throughout the prosecution. When Claims are canceled, the remaining Claims must not be renumbered. When new Claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered Claims previously presented (whether entered or not).

Misnumbered Claim 2 on page 15 ^{must} ~~has~~ been renumbered 32.

F. T.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 20 recite the phrase "the telephone call" in Lines 5 and 7, respectively. There is insufficient antecedent basis for this phrase in these Claims because if the word "the" in these instances refers to the same telephone call that is referred to with the previous phrase "a telephone call" (Lines 4 and 5, respectively) then the Claim would be self-contradictory because the former phrase is associated with allowing the telephone call in question and the latter phrase is associated with preventing the telephone call in question; therefore, it is clear that each phrase must refer to a separate telephone call.. Therefore, the meaning of the word "the" in the second phrase is unclear and its use is without antecedent basis. Examiner interprets Claims 1 and 20 such that the phrase in question is replaced with "a telephone call distinct from the previously mentioned telephone call."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 9, 11-16, 18-22, 26, 28-33, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Swan *et. al.*, U.S. Patent No. 5,978,451.

Regarding Claim 1, *Swan et. al.* discloses a programmable personal communications controller (PCC) system that manages telephone service (regarding both incoming and outgoing telephone calls) to telephone terminals throughout a residence (Abstract, Column 1 Lines 10-17, Column 2 Line 61 to Column 3 Line 4). The PCC is integrated into a base station and communicates with handsets (Column 3 Lines 17-20, Column 4 Line 63 to Column 5 Line 17, Fig. 2a) and the telephone network (Column 4 Lines 22-29 and 40-45, Fig. 1). The PCC contains a personal service configuration programmed into it (Column 1 Lines 10-17, Column 2 Line 61 to Column 3 Line 4). This personal service configuration selectively allows or prevents the transmission to a handset, located within the residence, of a telephone call received from the telephone network (Column 4 Lines 48-56, Column 5 Lines 10-17, Column 9 Lines 36-52).

Regarding Claim 2, *Swan et. al.* discloses the presence of satellite communicator modules (SCMs), in communication with the PCC (and thus the base station), in the system of the invention (Column 5 Lines 5-10, Fig. 2a). As can be seen from Fig. 2a, each SCM is associated with a particular telephone extension within the residence. The SCMs assist the PCC (and thus the base station) in selectively allowing or preventing the transmission to a handset, located within the residence, of a telephone call received from the telephone network (Column 5 Lines 10-36).

Regarding Claim 3, *Swan et. al.* discloses a selective ringing service whereby a specific ring pattern indicates that an incoming call is for a specific member of the residence; the PCC sends one of a plurality of signals to the appropriate SCMs, said

Art Unit: 2645

signal corresponding to the appropriate ring pattern, thereby making the appropriate telephones ring with the appropriate pattern (Column 8 Lines 33-37 and 49-52).

Regarding Claim 9, Swan *et. al.* discloses that the user may control the PCC with a DTMF interface (Column 6 Line 63 to Column 7 Line 7, Column 7 Lines 19-24, Fig. 3a).

Regarding Claim 11, Swan *et. al.* discloses that the PCC may selectively transmit a voicemail message to callers (Column 6 Line 63 to Column 7 Line 7, Column 9 Lines 17-27, Fig. 3a).

Regarding Claim 12, Swan *et. al.* discloses that the PCC is capable of identifying a caller (Column 6 Lines 7-17, Column 8 Lines 6-26, Figs. 3a, 4).

Regarding Claim 13, Swan *et. al.* discloses that certain callers may bypass call screening by entering a predetermined override password that is part of the configuration data of the PCC (Column 9 Lines 53-63). Since certain callers will have such a password, while other callers will not have such a password, the presence of this feature constitutes a means for selectively allowing or blocking a transmission to a handset, located within the residence, of a telephone call received from the telephone network.

Regarding Claims 14-15, Swan *et. al.* discloses the presence of a plurality of handsets in Fig. 2a. Swan *et. al.* discloses that incoming calls may be allowed or blocked by the PCC based on the time of day (Column 9 Lines 36-52).

Regarding Claim 16, Swan *et. al.* discloses that certain callers may bypass call screening by entering a predetermined override password that is part of the configuration data of the PCC (Column 9 Lines 53-63).

Regarding Claim 18, Swan *et. al.* discloses that the alert cadence may be used to indicate the identity of a caller (Column 3 Lines 40-43, Column 9 Lines 8-11).

Regarding Claim 19, Swan *et. al.* discloses

Regarding Claim 20, Swan *et. al.* discloses a method of using a programmable personal communications controller (PCC) system that manages telephone service (regarding both incoming and outgoing telephone calls) to telephone terminals throughout a residence (Abstract, Column 1 Lines 10-17, Column 2 Line 61 to Column 3 Line 4). The PCC is integrated into a base station and communicates with handsets (Column 3 Lines 17-20, Column 4 Line 63 to Column 5 Line 17, Fig. 2a) and the telephone network (Column 4 Lines 22-29 and 40-45, Fig. 1). The PCC contains a personal service configuration programmed into it (Column 1 Lines 10-17, Column 2 Line 61 to Column 3 Line 4). This personal service configuration selectively allows or prevents the transmission to a handset, located within the residence, of a telephone call received from the telephone network (Column 4 Lines 48-56, Column 5 Lines 10-17, Column 9 Lines 36-52).

Regarding Claim 21, Swan *et. al.* discloses the presence of satellite communicator modules (SCMs), in communication with the PCC (and thus the base station), in the system of the invention (Column 5 Lines 5-10, Fig. 2a). As can be seen from Fig. 2a, each SCM is associated with a particular telephone extension within the

Art Unit: 2645

residence. The SCMs assist the PCC (and thus the base station) in selectively allowing or preventing the transmission to a handset, located within the residence, of a telephone call received from the telephone network (Column 5 Lines 10-36).

Regarding Claim 22, Swan *et. al.* discloses that the PCC directs a SCM to generate a ringing indication for its locally connected telephone set (Column 5 Lines 24-36, Fig. 2a).

Regarding Claim 26, Swan *et. al.* discloses that the user may control the PCC with a DTMF interface (Column 6 Line 63 to Column 7 Line 7, Column 7 Lines 19-24, Fig. 3a).

Regarding Claim 28, Swan *et. al.* discloses that the PCC may selectively transmit a voicemail message to callers (Column 6 Line 63 to Column 7 Line 7, Column 9 Lines 17-27, Fig. 3a).

Regarding Claim 29, Swan *et. al.* discloses that the PCC is capable of identifying a caller (Column 6 Lines 7-17, Column 8 Lines 6-26, Figs. 3a, 4).

Regarding Claim 30, Swan *et. al.* discloses that certain callers may bypass call screening by entering a predetermined override password that is part of the configuration data of the PCC (Column 9 Lines 53-63). Since certain callers will have such a password, while other callers will not have such a password, the presence of this feature constitutes a means for selectively allowing or blocking a transmission to a handset, located within the residence, of a telephone call received from the telephone network.

Regarding Claims 31-32, *Swan et. al.* discloses the presence of a plurality of handsets in Fig. 2a. *Swan et. al.* discloses that incoming calls may be allowed or blocked by the PCC based on the time of day (Column 9 Lines 36-52).

Regarding Claim 33, *Swan et. al.* discloses that certain callers may bypass call screening by entering a predetermined override password that is part of the configuration data of the PCC (Column 9 Lines 53-63).

Regarding Claim 35, *Swan et. al.* discloses that the alert cadence may be used to indicate the identity of a caller (Column 3 Lines 40-43, Column 9 Lines 8-11).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Swan et. al.* in view of *Salazar et. al.*, U.S. Patent No. 5,802,467.

Swan et. al. discloses every limitation of Claims 1-2, upon which Claim 4 and 5 depend, respectively, as outlined above. Furthermore, *Swan et. al.* discloses that the PCC and the SCM operate together for generating ring tones ().

Swan et. al. does not expressly disclose the presence of power sources inside of the base unit and the extension control device.

Salazar et. al. discloses a wireless and wired communications system comprising a handset and base station (Abstract, Column 1 Lines 8-13). Base station power may

be provided with a backup battery pack located inside of the base station (Column 25 Lines 33-38, Fig. 4).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Swan *et. al.* by providing for batteries inside of the PCC and the SCMs.

One of ordinary skill in the art would have been motivated to make this modification because of the convenience offered to the user when he is able to use the invention when AC power is unavailable.

9. Claims 6-8 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swan *et. al.* in view of Ikonen *et. al.*, U.S. Patent No. 6,473,078.

Regarding Claims 6 and 23, Swan *et. al.* discloses every limitation of Claims 2 and 21, upon which Claims 6 and 23 depend, respectively, as outlined above. Furthermore, since Fig. 2a illustrates the presence of multiple SCMs, it is inherent that the PCC, in the course of sending ringing signals to some subset of the set of all SCMs in a residence, has a means of identifying individual SCMs.

Swan *et. al.* does not expressly disclose the detection of the presence of the SCMs by PCC.

Ikonen *et. al.* discloses a method and device for power management of an integrated display unit and at least one peripheral device (Abstract, Column 1 Lines 9-11). Ikonen *et. al.* discloses the means for detecting signals associated with a telephone peripheral device, and thereby to detect if said peripheral device is connected to the integrated display unit (Column 5 Lines 2-10, Fig. 1).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Swan *et. al.* by providing for the detection of the presence of the SCMs by the PCC.

One of ordinary skill in the art would have been motivated to make this modification because if a SCM, for whatever reason, is not connected, then it would be pointless to send a ringing signal to said SCM in the event that the telephone normally connected to that SCM is the only telephone in the residence that is to ring for a certain incoming telephone call.

Regarding Claims 7-8 and 24-25, the means for the identification and naming of specific SCMs by the PCC and the storage of these identifying names in the PCC is inherent to the invention of Swan *et. al.*, since ringing signals may be sent from the PCC to only a subset of the set of all SCMs within a residence.

10. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swan *et. al.* in view of Kynast *et. al.*, U.S. Patent No. 6,823,354.

Swan *et. al.* discloses every limitation of Claims 1 and 20, upon which Claims 10 and 27 depend, respectively, as outlined above.

Swan *et. al.* does not expressly disclose the presence of a voice interface for allowing the user to control the PCC and thereby modify how it functions.

Kynast *et. al.* discloses a terminal and method for using services offered by a master station in the context of telephony, including cordless telephony (Abstract, Column 1 Lines 8-9, Column 4 Lines 21-26, Fig. 1). The terminal may be controlled with voice input (Column 4 Lines 32-33, Fig. 1).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of *Swan et. al.* by providing for a voice interface that allows the user to control the PCC and thereby modify how it functions.

One of ordinary skill in the art would have been motivated to make this modification because of the convenience and popularity of voice interfaces.

11. Claims 17 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Swan et. al.* in view of *Borland*, U.S. Patent No. 6,122,347.

Swan et. al. discloses every limitation of Claims 1 and 20, upon which Claims 17 and 34 depend, respectively, as outlined above.

Swan et. al. does not expressly disclose the presence of the means by which a caller's voice is analyzed and a decision to allow or block the call is made based upon the results of the voice analysis.

Borland et. al. discloses a system and method by which the voice of a caller's voice is analyzed and compared to information stored in a database, after the user speaks upon being prompted to do so at the beginning of a telephone call (Abstract, Column 2 Lines 60-63, Column 9 Lines 31-37, Column 9 Line 64 to Column 10 Line 1, Fig. 5).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of *Swan et. al.* by providing means for analyzing and recognizing caller's voices and making a decision to allow or block the call is made based upon the results of the voice analysis.

One of ordinary skill in the art would have been motivated to make this modification because of the possibility of an unwanted caller making a telephone call from a number other than the normal telephone number used by that caller, or because of the possibility of a residence only allowing telephone calls from certain individuals who normally call from a limited set of telephone numbers, but who may, in the event of an emergency, call from other telephone numbers.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 571-272-7541. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/090,368
Art Unit: 2645

Page 13


Matthew Genack

Examiner

Art Unit 2645

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15 April 2005


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